

SENATE BILL No. 159

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-30-17; IC 5-11-1-9.

Synopsis: Build Indiana fund. Provides that townships and private nonprofit entities are eligible applicants for purposes of projects to be funded from the state and local capital projects account of the build Indiana fund. Provides that a disbursement from the build Indiana fund after January 1, 1998, may not be considered in calculating the funding threshold that governs the type of public audit performed on a nonprofit entity receiving public funds. Repeals the laws establishing the build Indiana capital projects review committee.

Effective: Upon passage; July 1, 2002.

Simpson, Meeks R

January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 159

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-30-17-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this
3 chapter, "eligible applicant" means the following:

4 (1) Any entity with the authority to impose ad valorem property
5 taxes, ~~except townships~~, including counties, cities, towns,
6 **townships**, special taxing districts, school corporations, and any
7 other entity that is granted by statute or ordinance a right to
8 impose user fees or charges (referred to as political subdivisions
9 in this chapter) as long as the application is signed by the
10 executive of the political subdivision.

11 (2) The state, as long as the application is signed by the governor.

12 (3) State funded institutions of higher education, as long as the
13 application is approved by the ~~higher education~~ commission **for**
14 **higher education**.

15 (4) **A private nonprofit entity exempt from federal income tax**
16 **liability under Section 501(c)(3) of the Internal Revenue Code.**

17 SECTION 2. IC 4-30-17-4.1 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.1. (a) Money required to be credited to the state and local capital projects account may be used only:

- (1) **by eligible applicants** for state and local capital projects; or
- (2) for deposit in a revolving loan fund that may ~~only~~ be used **only by eligible applicants** for capital projects.

(b) For purposes of subsection (a):

(1) "capital projects" include the construction of airports, airport facilities, and local street and road projects;

(2) a "state project" is a capital project that is proposed by:

(A) the state; or

(B) **a state funded institution of higher education with the approval of the higher education commission for higher education;**

(3) a "local project" is a capital project proposed by a political subdivision **or a private nonprofit entity; and**

(4) an airport development project that is eligible for a grant or loan under IC 8-21-11 is a local capital project.

~~(d)~~ (c) The money required to be credited to the state and local capital projects account must be used to promote the maximum use of other funds for capital projects, including using local matching requirements, the consideration of various kinds of credit enhancements, and the remarketing of debt issues secured by money in the state and local capital projects account.

SECTION 3. IC 5-11-1-9, AS AMENDED BY P.L.50-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, shall examine all accounts and all financial affairs of every public office and officer, state office, state institution, and entity.

(b) An examination of an entity deriving:

(1) less than fifty percent (50%); or

(2) at least fifty percent (50%) but less than one hundred thousand dollars (\$100,000) if the entity is organized as a not-for-profit corporation;

of its disbursements, during the period of time subject to an examination from appropriations, public funds, taxes, and other sources of public expense, shall be limited to matters relevant to the use of the public money received by the entity. **A disbursement of an entity that is derived from the state and local capital projects account of the build Indiana fund under IC 4-30-17-4.1 after January 1, 1998, must not be included in calculating the amounts under subdivisions**



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(1) and (2).

(c) The examination of an entity described in subsection (b) may be waived or deferred by the state examiner if the state examiner determines in writing that all disbursements of public money during the period subject to examination were made for the purposes for which the money was received.

(d) On every examination under this section, inquiry shall be made as to the following:

(1) The financial condition and resources of each municipality, office, institution, or entity.

(2) Whether the laws of the state and the uniform compliance guidelines of the state board of accounts established under section 24 of this chapter have been complied with.

(3) The methods and accuracy of the accounts and reports of the person examined.

The examinations shall be made without notice.

(e) If during an examination of a state office under this chapter the examiner encounters an inefficiency in the operation of the state office, the examiner may comment on the inefficiency in the examiner's report.

(f) The state examiner, deputy examiners, any field examiner, or any private examiner, when engaged in making any examination or when engaged in any official duty devolved upon them by the state examiner, is entitled to do the following:

(1) Enter into any state, county, city, township, or other public office in this state, or any entity, agency, or instrumentality, and examine any books, papers, documents, or electronically stored information for the purpose of making an examination.

(2) Have access, in the presence of the custodian or the custodian's deputy, to the cash drawers and cash in the custody of the officer.

(3) During business hours, examine the public accounts in any depository that has public funds in its custody pursuant to the laws of this state.

(g) The state examiner, deputy examiner, or any field examiner, when engaged in making any examination authorized by law, may issue subpoenas for witnesses to appear before the examiner in person or to produce books, papers, or other records (including records stored in electronic data processing systems) for inspection and examination. The state examiner, deputy examiner, and any field examiner may administer oaths and examine witnesses under oath orally or by interrogatories concerning the matters under investigation and examination. Under the authority of the state examiner, the oral

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1 examinations may be transcribed with the reasonable expense paid by
2 the examined person in the same manner as the compensation of the
3 field examiner is paid. The subpoenas shall be served by any person
4 authorized to serve civil process from any court in this state. If a
5 witness duly subpoenaed refuses to attend, refuses to produce
6 information required in the subpoena, or attends and refuses to be
7 sworn or affirmed, or to testify when called upon to do so, the examiner
8 may apply to the circuit court having jurisdiction of the witness for the
9 enforcement of attendance and answers to questions as provided by the
10 law governing the taking of depositions.

11 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE
12 JULY 1, 2002]: IC 4-30-17-1; IC 4-30-17-5; IC 4-30-17-6;
13 IC 4-30-17-7; IC 4-30-17-8; IC 4-30-17-9.

14 SECTION 5. **An emergency is declared for this act.**

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